

RESOLUTION NO. 1015.

RESOLUTION ACCEPTING SUM TENDERED BY PACIFIC
GAS AND ELECTRIC COMPANY IN PAYMENT FOR GAS
FRANCHISE APPLIED FOR BY IT.

WHEREAS Pacific Gas and Electric Company, a
California utility corporation filed in the office of this
Council on the 6th day of November, 1939, its
application for the franchise (a) to use for transmitting
and distributing gas, city of Lodi for any and
all purposes other than those authorized under Section 19
of Article XI of the Constitution of the State of California
as said section existed prior
October 10 1911, all gas pipes and appurtenances which now
are or may hereafter be lawfully placed in the public
streets, ways and places within said city, and (b) to lay
and use in said public streets, ways and places all pipes
and appurtenances necessary or proper for said purposes;
and

WHEREAS this Council on the 15th day of November,
1939, adopted a resolution declaring its intention of granting
said franchise upon the terms and conditions in said
resolution set forth, and fixing the date for hearing
objections to the granting thereof; and

WHEREAS due notice of said intention and date for
hearing objections has been published in the manner and for
the time prescribed by law and by the aforesaid resolution;
and

WHEREAS this Council, at the time specified in said
resolution and in said notice, viz: at the hour of 8:00 p.m.
on Wednesday the 6th day of December, 1939, met in open session
for the purpose of hearing protests or objections to the

granting of said franchise; and no protests or objections to the granting of said franchise were made or filed, and the proposed ordinance granting said franchise thereupon received its first reading; and

WHEREAS this Council again met at a regular meeting on the 20th day of December, 1939, at which time this Council received a written tender from Pacific Gas and Electric Company to pay for said franchise the sum of Two thousand dollars (\$2,000.00) in lawful money of the United States of America, and said tender was accompanied by the check of said Pacific Gas and Electric Company, payable to the Treasurer of the City of Lodi for said amount; and

WHEREAS this Council deems said sum constitutes a reasonable payment for said franchise and the acceptance of said franchise constitutes a fair consideration for a discharge of said company from any and all obligations to the City of Lodi for past use of its streets for the purposes for which said franchise is to be granted;

NOW THEREFORE

the City of Lodi that it does hereby accept said sum of \$2,000.00 in lawful money of the United States of America, in payment of said, conditional, however, upon the understanding that if the ordinance granting said franchise shall not become effective said sum shall be refunded to Pacific Gas and Electric Company; and

BE IT FURTHER RESOLVED that in consideration of the acceptance by Pacific Gas and Electric Company of said franchise and its operation thereunder the City of Lodi does hereby declare discharged all obligations of said

company for past use of the streets of the city of Lodi
for the purposes set forth in the form of franchise
applied for.

ADOPTED by the Council of the City of Lodi
on the 20th day of December, 1939, by the following vote:

AYES: Councilmen SPOONER, WEIHE, CLARK, GRATIGNA AND

MAYOR STEELE.

NOES: councilmen NONE

ABSENT: Councilmen NONE

G. M. Steele
Mayor of the City of Lodi

ATTEST:

J. P. Brandy
Clerk of the City of Lodi.